

U.S. Patent Application Serial No. 10/574,279  
Amendment filed January 9, 2009  
Reply to OA dated August 12, 2008

### **REMARKS**

Claims 2-6 have been amended in order to more particularly point out, and distinctly claim, the subject matter to which the applicants regard as their invention. Support for the amendment to claim 5 may be found at, among other places, lines 18-20 on page 5 of the subject specification. New dependent claims 7-10 have been added. Entry of these amendments is respectfully requested.

The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated August 12, 2008.

In the Office Action, the Action, claims 2, 3, and 5-6 were rejected under the second paragraph of 35 USC § 112 as being indefinite. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

In response to the specific objections of the examiner, please consider the following comments:

(1) While the subject matter of claim 2 corresponds exactly with the disclosure on page four of the subject the specification, for further clarity, claim 2 has been amended to recite "...that have a peak between an interplanar spacing of ...." instead as that as now recited in the claim.

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(2) Claim 3 has been amended to recite that the “organic solvent” is a “hydrophobic organic solvent.” As such, the hydrophobic organic solvent as recited in amended claim 3 does not include an acetone that is a hydrophilic solvent. Thus, step (A) of claim 3 where the organic solvent solution is a solvent other than acetone is consistent with step (B) that the solution is dissolved in acetone.

(3) In terms of step (B), the terminology has been amended to replace the term “dissolving” with the term “introducing.”

(4) In claim 5, the term “de-acetonizing” has been amended to further clarify the term by reciting that de-acetonizing is accomplished “by maintaining the TMPB-acetone crystals under reduced pressure.”

(5) Claim 6 has been amended in the same manner as claims 3 and 5.

In view of the above, withdrawal of the rejection under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

In addition, it was indicated that a specific reference indicated on Form 1449 was not considered. As is apparent, this reference is the simply an Office Action dated September 28, 2007, as included on the prior Form 1449. It is not necessary for the examiner to consider the Action as a reference, the citation was only made for completeness.

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In view of the aforementioned amendments and accompanying remarks, it is submitted that the claims as amended are in condition for allowance and, which action is requested at an early date.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time